

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANCES HILL

:

Plaintiff,

v.

:

CIVIL ACTION  
NO. 11-22

BOROUGH OF POTTSTOWN

:

Defendant.

**ORDER**

AND NOW, this 28<sup>th</sup> day of September, 2012, upon consideration of: Defendant's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Fed.R.Civ.P. 12(b)(6) (Doc. No. 9); Plaintiff's Response in Opposition thereto (Doc. No. 10); and Defendant's Reply to Plaintiff's Response (Doc. No. 12), it is hereby ORDERED that said Motion is GRANTED as follows:

- (1) Defendant's Motion to Dismiss that portion of Count I of Plaintiff's Amended Complaint that pertains to claims of racial discrimination stemming from the incident set forth in Plaintiff's November 19, 2009 Administrative Complaint, is GRANTED and said claims are hereby dismissed without prejudice. Plaintiff is hereby permitted leave to amend said claims within twenty (20) days of this Order;
- (2) Defendant's Motion to Dismiss those allegations relating to racial discrimination as contained in Count IV of Plaintiff's Amended Complaint, is GRANTED and said allegations are hereby dismissed with prejudice. The gender discrimination claims contained within Count IV of Plaintiff's Amended Complaint shall remain;
- (3) Defendant's Motion to Dismiss Counts II and III of Plaintiff's Amended Complaint is GRANTED and said claims are hereby dismissed with prejudice; and

(4) Defendant's Motion to Dismiss Count V of Plaintiff's Amended Complaint is GRANTED and said Count is hereby dismissed with prejudice.

BY THE COURT:

/s/ C. Darnell Jones, II J.